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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/825,537	19-Jun-01	MASOOD GARABI, ET AL	ODS/025

Title: SYSTEMS AND METHODS FOR PLACING
PARIMUTUEL WAGERS ON FUTURE EVENTS

Art Unit Paper Number

Correspondence Address:

JAMES A. LEIZ
FISH & NEAVE
1251 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10020

PATENT & TRADEMARK OFFICE
MAILED

MAR 26 2002

LICENSING & REVIEW

Please find attached a communication from the Examiner regarding the
Petition for Retroactive License under 37 CFR 5.25.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

James Leiz
Fish & Neave
1251 Avenue of the Americas
N.Y., N.Y. 10020

In re: Masood Garahi et al.
Serial Number: 09/825537
Filed: 2 April 2001
Docket no.: ODS/025

DECISION ON REQUEST
FOR RETROACTIVE LICENSE
UNDER 37 CFR 5.25

Title: Systems and Methods for Placing Parimutual Wages on Future Events

Decision: Denied

37 CFR 5.25(a) requires the following:

1. A listing of each of the foreign countries in which the unlicensed patent application material was filed,
2. The dates on which the material was filed in each country,
3. A verified statement (oath or declaration) containing:
 - i. An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order,
 - ii. A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and
 - iii. An explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained, and
4. The required fee (§ 1.17(h)).

The petition filed 9 June 2001 is Denied at this time because the petition is defective in that the requirement(s) set forth in 37 C.F.R. 5.25(a) has(have) not been satisfied. To wit:

37 CFR 5.25(a)(iii) has not been satisfied because the individual who had the authority and filed the application in Malaysia has not declared that the application was filed through error and without deceptive intent. Also, an explanation on why the phone call (Petition page 2, 3rd para.) was not heeded is needed.

Accordingly, the provisions of 37 CFR 5.25 not having been fully met, the petition is denied, and in the absence of any response within **60 days** of the mailing date of this letter, such denial will be made final and the final action under 35 U.S.C. 185 will be taken. Extensions of time may be had under 37 C.F.R. 1.136(a).



Jeffrey L. Gellner
Assistant Patent Examiner, Group 3643
(703) 305-0053